

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of

DOCKET NO.: 2005-0658-MLM-E **TCEQ ID:** RN101388858, RN101918910 **CASE NO.:** 25076**RESPONDENT NAME:** City of Queen City

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Queen City Wastewater Treatment Facility, on the south side of Cypress Creek approximately 1.1 mile east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and US Highway 59 and Public Water Supply, 210 Houston Street, Queen City, Cass County</p> <p>TYPE OF OPERATION: Wastewater treatment facility and public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Limos, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-5839; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable Bobby Bowman, Mayor, City of Queen City, P.O. Box 301, Queen City, Texas 75572 Ms. Vickie L. Ray, City Secretary, City of Queen City, P.O. Box 301, Queen City, Texas 75572 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: February 22, January 6, 2005 and August 16, 2004</p> <p>Date of NOEs Relating to this Case: February 26 and March 18, 2005 and August 18, 2004(NOEs)</p> <p>Background Facts: These were routine investigations. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permit effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11225001 for total ammonia nitrogen daily average in the months of July, August, and September, 2004, and for total suspended solids and average daily flow in the month of February 2004 [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 11225001 Effluent Limitations and Monitoring Requirements No. 1 and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to report, by September 1, 2004, the annual sewage sludge Discharge Monitoring Reports ("DMRs") for the year ending July 31, 2004 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 11225001 Sludge Requirements].</p> <p>3) Failed to meet the 36 month schedule for construction and completion of the wastewater treatment facilities as required by TPDES Permit No. 11225001 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11225001 Other Requirements No. 4].</p>	<p>Total Assessed: \$22,653</p> <p>Total Deferred: \$4,465 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$18,188</p> <p>RN101388858 Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>RN101918910 Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit all delinquent ammonia daily average effluent exceedances of greater than 40% of the permit limit;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit all delinquent ammonia daily average effluent exceedances of greater than 40% of the permit limit;</p> <p>c. Within 30 days after the effective date of this Agreed Order, begin preparing Quarterly Progress Reports ("Report") to be submitted by the last day of each quarter, beginning with the first full quarter after the effective date of this Agreed Order. Each Report shall included specific dates when a particular action was taken, a description of the action taken, and how that action will help to ensure compliance with the effluent limitations of TPDES Permit No. 11225001. The following information shall be included in the Quarterly Progress Reports: the date plans and specifications were submitted to the TCEQ for construction of new or modified wastewater treatment facilities, the date the TCEQ approved the plans and specifications, a detailed plan and schedule for completion of the wastewater treatment facilities within two years; and a description of any deficiencies or delays experienced during the quarter and how they will be resolved in order to assure completion of the new or modified treatment facilities and compliance with the permitted effluent limitations within a two year period.</p> <p>d. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM;</p> <p>e. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision d, including a copy of water analysis for documentation; and</p>

<p>4) Failed to report, within five working days, ammonia daily average effluent exceedances of greater than 40% of the permit limit, for the months of July, August, September and October 2004 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11225001 Monitoring and Reporting Requirements No. 7].</p> <p>5) Exceeded the maximum contaminant level ("MCL") based on a running annual average for total trihalomethanes ("TTHM") during the third quarter of 2004 [30 TEX. ADMIN. CODE § 290.113(b)(1) and 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>f. Within 90 days after completion of the wastewater treatment facilities or 27 months after the effective date of this Agreed Order, whichever is sooner, submit written certification of compliance with the effluent limits of TPDES Permit No. 11225001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>
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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 7, 2004

DATES	Assigned	07-Mar-2005	Screening	14-Mar-2005	Priority Due	06-May-2005	EPA Due	01-Jun-2005
	PCW	14-Mar-2005						

RESPONDENT/FACILITY INFORMATION

Respondent	City of Queen City
Reg. Ent. Ref. No.	RN101388858
Additional ID No(s).	Public Water Supply ID No. 0340018
Facility/Site Region	5-Tyler
Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25076	No. of Violations	1
Docket No.	2005-0658-MLM-E	Order Type	1660
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Lori Thompson
Media Program(s)	Public Water Supply	EC's Team	Enforcement Team 5
Multi-Media	Water Quality		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 6% Enhancement Subtotals 2, 3, & 7 **\$15**

Notes Enhancement due to three prior NOV's for non-similar violations.

Culpability Yes 25% Enhancement Subtotal 4 **\$63**

Notes The Respondent received alert letters for trihalomethane exceedances on March 2, 2004 and April 19, 2004.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$627
Approx. Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$328**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$328**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$328**

DEFERRAL

0% Reduction

Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral due to the assessment of a culpability enhancement.

PAYABLE PENALTY

\$328

Screening Date 14-Mar-2005

Docket No. 2005-0658-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision December 7, 2004

Reg. Ent. Reference No. RN101388858

Additional ID No(s). Public Water Supply, ID No. 0340018

Media [Statute] Public Water Supply

Enf. Coordinator Lori Thompson

Site Address 210 Houston Street, Queen City, Cass County, Texas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	N	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N	0%
	Participation in a voluntary pollution reduction program	N	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to three prior NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 6%

Screening Date 14-Mar-2005	Docket No. 2005-0658-MLM-E	PCW
Respondent City of Queen City	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 25076	<small>PCW Revision December 7, 2004</small>	
Reg. Ent. Reference No. RN101388858		
Additional ID No(s). Public Water Supply ID No. 0340018		
Media [Statute] Public Water Supply		
Enf. Coordinator Lori Thompson		
Violation Number	<div style="border: 1px solid black; text-align: center;">1</div>	
Primary Rule Cite(s)	<div style="border: 1px solid black; text-align: center;">30 Tex. Admin. Code § 290.113(b)(1) and 290.113(f)(4)</div>	
Secondary Rule Cite(s)	<div style="border: 1px solid black; text-align: center;">Tex. Health & Safety Code § 341.0315(c)</div>	
Violation Description	<div style="border: 1px solid black; padding: 5px;">Exceeded the maximum contaminant level (MCL) based on a running annual average for total trihalomethanes (TTHM) during the third quarter of 2004. Specifically, the running annual average of TTHM was 0.104 milligrams per liter (mg/L), exceeding the MCL of 0.080 mg/L.</div>	
Base Penalty		<div style="border: 1px solid black; text-align: right;">\$1,000</div>

>> **Environmental, Property and Human Health Matrix**

	Harm			
	Major	Moderate	Minor	
Release				
Actual		x		Percent <div style="border: 1px solid black; text-align: right;">25%</div>
Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent <div style="border: 1px solid black; text-align: right;"></div>

Exceeding the MCL for TTHM resulted in the exposure of a significant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment

-\$750

Base Penalty Subtotal

\$250

Violation Events

Number of Violation Events

1

<small>mark only one use a small x</small>	daily	<div style="border: 1px solid black; text-align: center;"></div>
	monthly	<div style="border: 1px solid black; text-align: center;"></div>
	quarterly	<div style="border: 1px solid black; text-align: center;"></div>
	semiannual	<div style="border: 1px solid black; text-align: center;"></div>
	annual	x
	single event	<div style="border: 1px solid black; text-align: center;"></div>

One annual event is recommended based on the August 16, 2004 record review.

Violation Base Penalty

\$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; text-align: right;">\$627</div>	Violation Final Penalty Total <div style="border: 1px solid black; text-align: right;">\$328</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; text-align: right;">\$328</div>	

Economic Benefit Worksheet

Respondent City of Queen City
 Case ID No. 25076
 Reg. Ent. Reference No. RN101388858
 Additional ID No(s). Public Water Supply ID No. 0340018
 Media [Statute] Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	02-Feb-2004	06-Aug-2006	2.5	\$627	n/a	\$627

Notes for DELAYED costs

The estimated cost to implement an alternative method of disinfection, from the date of the first sample with high TTHM to the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$5,000****TOTAL** **\$627**

Compliance History

Customer/Respondent/Owner-Operator: CN600647507 City of Queen City Classification: AVERAGE Rating: 1.450

Regulated Entity: RN101388858 CITY OF QUEEN CITY Classification: Site Rating:

ID Number(s): WATER LICENSING LICENSE 0340018
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0340018

Location: 210 HOUSTON STREET, QUEEN CITY, TX, 75572

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: June 21, 2005

Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 21, 2000 to June 21, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lori Thompson Phone: 903-535-5116

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/15/2005 (377314)
- 2 11/02/2004 (337577)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/08/2004 (337577)

Self Report? No

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make sanitary control easements for the well available at time of inspection

Self Report? No

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(G)

Description: Failure to initiate housekeeping and maintenance practices.

Date: 09/26/2001

Self Report? No

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make sanitary control easements for the well available at time of inspection

Self Report? No

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(G)

Description: Failure to initiate housekeeping and maintenance practices.

Date: 11/30/2000

Self Report? No

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make sanitary control easements for the well available at time of inspection

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

DATES	Assigned	07-Mar-2005	Screening	14-Mar-2005	Priority Due	06-May-2005	EPA Due	
	PCW	14-Mar-2005						

RESPONDENT/FACILITY INFORMATION

Respondent	City of Queen City		
Reg. Ent. Ref. No.	RN101918910		
Additional ID No(s).	TPDES Permit No. 11225001		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25076	No. of Violations	4
Docket No.	2005-0658-MLM-E	Order Type	1660 Order
Case Priority	3	Enf. Coordinator	Lori Thompson
Media Program(s)	Water Quality	EC's Team	Enforcement Team 5
Multi-Media	Public Water Supply		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$8,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 155% Enhancement Subtotals 2, 3, & 7 \$13,175

Notes Respondent self-reported 31 NOVs with the same violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes Respondent is not yet compliant.

Economic Benefit	50% Enhancement*	Subtotal 6	\$4,250
Total EB Amounts	\$939,757		
Approx. Cost of Compliance	\$2,000,400		

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$25,925

OTHER FACTORS AS JUSTICE MAY REQUIRE

-14.00 Reduction

Adjustment -\$3,600

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended adjustment so that the reporting violations are more proportionate to the effluent violations.

Final Penalty Amount \$22,325

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$22,325

DEFERRAL

20% Reduction

Adjustment -\$4,465

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

\$17,860

Screening Date 14-Mar-2005

Docket No. 2005-0658-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101918910

Additional ID No(s). TPDES Permit No. 11225001

Media [Statute] Water Quality

Enf. Coordinator Lori Thompson

Site Address on the south side of Cypress Creek approximately 1.1 mile east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and US Highway 59 in Cass County, Queen City, Texas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	31	155%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 155%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Respondent self-reported 31 NOVs with the same violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 155%

Screening Date 14-Mar-2005	Docket No. 2005-0658-MLM-E	PCW
Respondent City of Queen City	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 25076	<i>PCW Revision December 10, 2004</i>	
Reg. Ent. Reference No. RN101918910		
Additional ID No(s). TPDES Permit No. 11225001		
Media [Statute] Water Quality		
Enf. Coordinator Lori Thompson		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 11225001 Effluent Limitations and Monitoring Requirements No. 1 and Tex. Water Code § 26.121(a)	
Secondary Rule Cite(s)		
Violation Description	Failed to comply with permit effluent limitations of TPDES Permit No. 11225001 for total ammonia nitrogen (NH3-N) daily average in the months of July, August, and September, 2004, and for total suspended solids (TSS) and average daily flow in the month of February 2004, as documented during a February 22, 2005 record review. (See accompanying table.)	
Base Penalty		<input type="text" value="\$10,000"/>

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> A simplified model was used to evaluate NH3-N to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS and average daily flow were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels. </div>					

Adjustment **Base Penalty Subtotal** **Violation Events****Number of Violation Events**

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended for the non-compliant months in the quarters from February 2004 through September 2004.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent City of Queen City
 Case ID No. 25076
 Reg. Ent. Reference No. RN101918910
 Additional ID No(s). TPDES Permit No. 11225001
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included with violation 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

Screening Date 14-Mar-2005	Docket No. 2005-0658-MLM-E	PCW
Respondent City of Queen City		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 25076		<i>PCW Revision December 10, 2004</i>
Reg. Ent. Reference No. RN101918910		
Additional ID No(s). TPDES Permit No. 11225001		
Media [Statute] Water Quality		
Enf. Coordinator Lori Thompson		
Violation Number 2		
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 11225001 Sludge Requirements	
Secondary Rule Cite(s)		
Violation Description	Failure to report by September 1, 2004, the annual sewage sludge Discharge Monitoring Reports (DMRs) for the year ending July 31, 2004, as documented during a February 22, 2005 record review.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

	Harm				
	Release	Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$9,000
Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events	1		
mark only one use a small x	daily		Violation Base Penalty \$1,000
	monthly		
	quarterly		
	semiannual		
	annual	x	
	single event		

One annual event is recommended for the violation documented during
the February 22, 2005 record review.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$15	Violation Final Penalty Total \$2,626
This violation Final Assessed Penalty (adjusted for limits) \$2,626	

Economic Benefit Worksheet

Respondent City of Queen City
Case ID No. 25076
Reg. Ent. Reference No. RN101918910
Additional ID No(s). TPDES Permit No. 11225001
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	01-Sep-2004	10-Mar-2006	1.5	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to complete and submit the the annual sewage sludge DMRs, from the due date to the estimated date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$200****TOTAL** **\$15**

Screening Date 14-Mar-2005	Docket No. 2005-0658-MLM-E	PCW
Respondent City of Queen City	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 25076	<i>PCW Revision December 10, 2004</i>	
Reg. Ent. Reference No. RN101918910		
Additional ID No(s). TPDES Permit No. 11225001		
Media [Statute] Water Quality		
Enf. Coordinator Lori Thompson		
Violation Number <input type="text" value="3"/>		
Primary Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11225001 Other Requirements No. 4</div>	
Secondary Rule Cite(s)		
Violation Description	<div style="border: 1px solid black; padding: 2px;">Failure to meet the schedule requirements for the construction and completion of the treatment facilities, as required by the permit.</div>	
Base Penalty		<input type="text" value="\$10,000"/>

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	The violation could result in human health or the environment being exposed to insignificant amounts of pollutants which would not exceed protective levels.				

Adjustment **Base Penalty Subtotal** **Violation Events**Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="X"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent City of Queen City
 Case ID No. 25076
 Reg. Ent. Reference No. RN101918910
 Additional ID No(s). TPDES Permit No. 11225001
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000,000	22-Feb-2002	07-Nov-2008	6.7	\$44,749	\$894,977	\$939,726
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for construction and completion of the WWTF treatment facilities as required by TPDES Permit No. 11225001, from the initial date compliance was required (February 22, 2002 for the plans and specifications) until the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,000,000****TOTAL** **\$939,726**

Screening Date 14-Mar-2005

Docket No. 2005-0658-MLM-E

PCW

Respondent City of Queen City

Policy Revision 2 (September 2002)

Case ID No. 25076

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101918910

Additional ID No(s). TPDES Permit No. 11225001

Media [Statute] Water Quality

Enf. Coordinator Lori Thompson

Violation Number

4

Primary Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11225001
Monitoring and Reporting Requirements No. 7

Secondary Rule Cite(s)

Violation Description

Failure to report, within five working days, ammonia daily average effluent exceedances of greater than 40% of the permit limit, for the months of July, August, September and October 2004, as documented during an investigation on January 6, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Harm

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$4,000

Four single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$10,506

This violation Final Assessed Penalty (adjusted for limits) \$10,506

Economic Benefit Worksheet

Respondent City of Queen City
 Case ID No. 25076
 Reg. Ent. Reference No. RN101918910
 Additional ID No(s). TPDES Permit No. 11225001
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Other (as needed)	\$200	05-Aug-2004	10-Mar-2006	1.6	\$16	n/a	\$16

Notes for DELAYED costs

The approximate cost to complete and submit the exceedence reports (4 x \$50), from the date required until the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$200****TOTAL** **\$16**

Compliance History

Customer/Respondent/Owner-Operator:	CN600647507	City of Queen City	Classification: AVERAGE	Rating: 1.450
Regulated Entity:	RN101918910	CITY OF QUEEN CITY	Classification: AVERAGE	Site Rating: 1.45
ID Number(s):	WASTEWATER	PERMIT	TPDES0034797	
	WASTEWATER	PERMIT	WQ0011225001	
	WASTEWATER LICENSING	LICENSE	WQ0011225001	
Location:	on the south side of Cypress Creek approximately 1.1 mile east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and US Highway 59 in QUEEN CITY, TX, 75572 Rating Date: 9/1/04 Repeat Violator: NO			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	June 21, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 21, 2000 to June 21, 2005			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lori Thompson	Phone:	903-535-5116	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/30/2001	(180163)
2	04/25/2000	(180162)
3	03/24/2003	(180161)
4	04/01/2002	(180160)
5	03/29/2000	(180159)
6	02/28/2003	(180158)
7	02/25/2002	(180157)
8	02/27/2001	(180156)
9	02/23/2004	(304684)
10	03/22/2004	(304685)
11	04/26/2004	(304686)
12	05/22/2003	(304687)
13	06/30/2003	(304688)
14	07/28/2003	(304689)
15	08/18/2003	(304690)
16	09/26/2003	(304691)
17	10/24/2003	(304692)
18	11/18/2003	(304693)
19	01/07/2004	(304694)
20	01/26/2004	(304695)
21	01/27/2003	(180193)
22	01/22/2002	(180192)
23	01/26/2001	(180191)
24	05/24/2004	(355852)

25 06/21/2004 (355853)
 26 12/18/2002 (180189)
 27 08/09/2004 (355854)
 28 12/27/2001 (180188)
 29 08/23/2004 (355855)
 30 12/27/2000 (180187)
 31 09/24/2004 (355856)
 32 11/22/2002 (180186)
 33 11/21/2001 (180185)
 34 10/22/2004 (355857)
 35 12/01/2000 (180184)
 36 10/24/2002 (180183)
 37 02/28/2005 (371790)
 38 11/01/2001 (180182)
 39 10/19/2000 (180181)
 40 09/20/2002 (180180)
 41 09/24/2001 (180179)
 42 09/21/2000 (180178)
 43 08/19/2002 (180177)
 44 08/20/2001 (180176)
 45 08/21/2000 (180175)
 46 07/18/2002 (180174)
 47 07/30/2001 (180173)
 48 07/21/2000 (180172)
 49 06/28/2002 (180171)
 50 06/28/2001 (180170)
 51 07/17/2000 (180169)
 52 02/17/2003 (24298)
 53 05/20/2002 (180168)
 54 05/31/2001 (180167)
 55 05/07/2004 (271684)
 56 05/23/2000 (180166)
 57 01/11/2001 (38636)
 58 04/28/2003 (180165)
 59 04/24/2002 (180164)
 60 11/17/2004 (DMR)
 61 12/15/2004 (DMR)
 62 01/18/2005 (DMR)
 63 02/23/2005 (DMR)
 64 03/15/2005 (DMR)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2001 (180163)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2003 (180161)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2002 (180160)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2001 (180159)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2002 (180157)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2001 (180156)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (304685)
 Self Report? YES Classification: Moderate

[illegible]

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2000 (180169) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2002 (180168) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2001 (180167) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2000 (180166) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2003 (180165) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2002 (180164) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/30/2004 (355857) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2004 (355857) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/30/2005 (355857) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

City of Queen City
 Violation No. 1
 Docket No. 2005-0658-MLM-E
EFFLUENT PARAMETER
 Permit Limit

	TSS Daily Average Loading Interim	Nitrogen, ammonia daily average	Flow, million gallon per day (mgd) daily average
<i>Month/Year</i>	42 lbs/day	3.0 mg/l	0.25
February 2004	45.7	c	0.279
July 2004	c	4.4	c
August 2004	c	4.3	c
September 2004	c	4.39	c
c = compliant			

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF QUEEN CITY
RN101918910
RN101388858**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0658-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Queen City ("Queen City") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Queen City appear before the Commission and together stipulate that:

1. Queen City owns and operates a wastewater treatment facility on the south side of Cypress Creek approximately 1.1 mile east and 0.2 mile north of the intersection of Farm-to-Market Road 96 and US Highway 59 in Queen City, Cass County, Texas, and owns and operates a public water supply at 210 Houston Street, Queen City, Cass County, Texas, that has approximately 750 service connections and serves at least 25 people per day for at least 60 days per year (the "Facilities").
2. Queen City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Queen City agree that the Commission has jurisdiction to enter this Agreed Order, and that Queen City is subject to the Commission's jurisdiction.
4. Queen City received notice of the violations alleged in Section II ("Allegations") on or about March 2, 2005, March 23, 2005 and August 23, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Queen City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Two Thousand Six Hundred Fifty-Three Dollars (\$22,653) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Queen City has paid Eighteen Thousand One Hundred Eighty-Eight Dollars (\$18,188) of the administrative penalty and Four Thousand Four Hundred Sixty-Five Dollars (\$4,465) is deferred

contingent upon Queen City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Queen City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Queen City to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Queen City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Queen City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, Queen City is alleged to have:

1. Failed to comply with permit effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11225001 for total ammonia nitrogen ("NH₃-N") daily average in the months of July, August, and September, 2004, and for total suspended solids ("TSS") and average daily flow in the month of February 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 11225001 Effluent Limitations and Monitoring Requirements No. 1 and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on February 22, 2005, and shown in the following table:

EFFLUENT PARAMETER
Permit Limit

	TSS Daily Average Loading Interim	Nitrogen, ammonia daily average	Flow, million gallon per day (mgd) daily average
<i>Month/Year</i>	42 lbs/day	3.0 mg/l	0.25
February 2004	45.7	c	0.279
July 2004	c	4.4	c
August 2004	c	4.3	c
September 2004	c	4.39	c
c = compliant			

2. Failed to report, by September 1, 2004, the annual sewage sludge Discharge Monitoring Reports ("DMRs") for the year ending July 31, 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 11225001 Sludge Requirements, as documented during a record review conducted on February 22, 2005.
3. Failed to meet the 36 month schedule for construction and completion of the wastewater treatment facilities as required by TPDES Permit No. 11225001, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11225001 Other Requirements No. 4, as documented during an investigation conducted on January 6, 2005.
4. Failed to report, within five working days, ammonia daily average effluent exceedances of greater than 40% of the permit limit, for the months of July, August, September and October 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11225001 Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on January 6, 2005.
5. Exceeded the maximum contaminant level ("MCL") based on a running annual average for total trihalomethanes ("TTHM") during the third quarter of 2004, in violation of 30 TEX. ADMIN. CODE § 290.113(b)(1) and 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on August 16, 2004.

III. DENIALS

Queen City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Queen City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Queen City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Queen City, Docket No. 2005-0658-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Queen City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit all delinquent annual sewage sludge DMR data for the Facility in accordance with the requirements of 30 TEX. ADMIN. CODE § 319.7(a) (relating to Documentation of Monitoring Activities), 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 11225001. These reports shall be submitted to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order, submit all delinquent ammonia daily average effluent exceedances of greater than 40% of the permit limit in accordance with the requirements of 30 TEX. ADMIN. CODE § 305.125 and TPDES Permit No. 11225001 Monitoring and Reporting Requirements No. 7. These reports shall be submitted to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 10, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 10, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 10, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 10, 1862.

7. The seventh part is a report from the Secretary of the War, dated January 10, 1862.

8. The eighth part is a report from the Secretary of the Navy, dated January 10, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 10, 1862.

10. The tenth part is a report from the Secretary of the Navy, dated January 10, 1862.

11. The eleventh part is a report from the Secretary of the War, dated January 10, 1862.

12. The twelfth part is a report from the Secretary of the Navy, dated January 10, 1862.

13. The thirteenth part is a report from the Secretary of the War, dated January 10, 1862.

14. The fourteenth part is a report from the Secretary of the Navy, dated January 10, 1862.

15. The fifteenth part is a report from the Secretary of the War, dated January 10, 1862.

16. The sixteenth part is a report from the Secretary of the Navy, dated January 10, 1862.

17. The seventeenth part is a report from the Secretary of the War, dated January 10, 1862.

18. The eighteenth part is a report from the Secretary of the Navy, dated January 10, 1862.

19. The nineteenth part is a report from the Secretary of the War, dated January 10, 1862.

20. The twentieth part is a report from the Secretary of the Navy, dated January 10, 1862.

21. The twenty-first part is a report from the Secretary of the War, dated January 10, 1862.

22. The twenty-second part is a report from the Secretary of the Navy, dated January 10, 1862.

23. The twenty-third part is a report from the Secretary of the War, dated January 10, 1862.

24. The twenty-fourth part is a report from the Secretary of the Navy, dated January 10, 1862.

- c. Within 30 days after the effective date of this Agreed Order, begin preparing Quarterly Progress Reports ("Report") to be submitted by the last day of each quarter, beginning with the first full quarter after the effective date of this Agreed Order. Each Report shall include specific dates when a particular action was taken, a description of the action taken, and how that action will help to ensure compliance with the effluent limitations of TPDES Permit No. 11225001. The following information shall be included in the Quarterly Progress Reports: the date plans and specifications were submitted to the TCEQ for construction of new or modified wastewater treatment facilities, the date the TCEQ approved the plans and specifications, a detailed plan and schedule for completion of the wastewater treatment facilities within two years; and a description of any deficiencies or delays experienced during the quarter and how they will be resolved in order to assure completion of the new or modified treatment facilities and compliance with the permitted effluent limitations within a two year period. Upon completion of these treatment facilities, no additional Reports, other than a Final Report, including the date construction was completed and a description of effluent compliance status, will be required;
- d. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM;
- e. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.d., using the language within quotations and address in 2.f. below, including a copy of water analysis for documentation;
- f. Within 90 days after completion of the wastewater treatment facilities or 27 months after the effective date of this Agreed Order, whichever is sooner, submit written certification of compliance with the effluent limits of TPDES Permit No. 11225001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon Queen City. Queen City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
4. If Queen City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Queen City's failure to comply is not a violation of this Agreed Order. Queen City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Queen City shall notify the Executive Director within seven days after Queen City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Queen City shall be made in writing to the Executive Director. Extensions are not effective until Queen City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Queen City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

January 1, 1861.

My dear friends,

I have the honor to acknowledge the receipt of your letter of the 29th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully, your obedient servant,

James Buchanan.

Secretary of State.

January 1, 1861.

My dear friends,

I have the honor to acknowledge the receipt of your letter of the 29th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully, your obedient servant,

The second part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

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The sixth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

The seventh part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Queen City, or three days after the date on which the Commission mails notice of the Order to Queen City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/16/2007

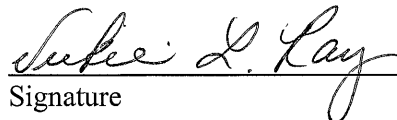
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-17-07

Date

Vickie L. Ray

Name (Printed or typed)
Authorized Representative of
City of Queen City

City Secretary

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

